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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/815,585 | 04/01/2004 | Mario Meggiolan | CAM3-PT041.1 | 9390 |
| 3624 | 7590 | 11/02/2005 | EXAMINER | |
| VOLPE AND KOENIG, P.C. UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103 | | | JULES, FRANTZ F | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3617 | |

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/815,585 | Applicant(s) MEGGIOLAN, MARIO | |
| | Examiner Frantz F. Jules | Art Unit 3617 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 11-42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 11-42 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>04/01/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 1-10 in the reply filed on 10/17/2005 is acknowledged.
2. Claims 11-42 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected specie, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10/17/2005.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 8 are rejected under 35 U.S.C. 102(e)(1) as being anticipated by Okajima et al (US 6,283,557 B1).

Okajima et al discloses a bicycle wheel rim (24), comprising an inner peripheral wall (64), an outer peripheral wall (66) two lateral walls (54) joining said peripheral walls and two circumferential wings (62), for anchoring a tire, which extend outwards from the two sides of the outer peripheral wall, wherein said rim is made of a single part of structural fiber based material incorporating the two circumferential wings as disclosed in col, 7, lines 22-28.

Art Unit: 3617

The structural fiber being carbon fiber in accordance with claim 2.

The rim comprising a symmetrical cross section and an asymmetrical cross-section depending on the axis considered in accordance with claims 3-4.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okajima et al (US 6,283,557 B1) in view of Lew et al (US 6,347,839 B1).

Okajima et al teach all the limitations of claims 5-7 except for a bicycle wheel rim comprising multiple layers of fiber base material. The general concept of constructing a bicycle wheel rim of multiple layers of fiber base material is well known in the art as illustrated by Lew et al which disclose the teaching of constructing a bicycle wheel rim of multiple layers of fiber base material. It would have been obvious to one of ordinary skill in the art as the time of the invention to modify Okajima et al to include the use of multiple layers of fiber base material to construct his advantageous bicycle wheel as taught by Lew et al in order to achieve a rim having a weight that is comparable to an aluminum rim and is as strong as a steel rim as disclosed in the abstract.

7. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okajima et al (US 6,283,557 B1) in view of Lew et al (US 6,347,839 B1) and McHugh (US 3,362,451).

Art Unit: 3617

Okajima et al teach all the limitations of claims 9-10 except for a bicycle wheel rim comprising multiple layers of fiber base material. The general concept of constructing a bicycle wheel rim of multiple layers of fiber base material is well known in the art as illustrated by Lew et al which disclose the teaching of constructing a bicycle wheel rim of multiple layers of fiber base material. Also, the general concept of using fiber base fabric material in a wheel rim is well known in the art as illustrated by McHugh which disclose the teaching of fabric fiber in a wheel rim, see col 1, lines 70-73. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Okajima et al to include the use of fiber fabric material in advantageous bicycle wheel rim as taught by Coran et al in order to take advantage of the high tensile strength of the fiber to achieve sufficient resilient strength and rigidity to support substantial radial and axial static and shock loads as disclosed in col 2, lines 1-3. It would have been obvious to one of ordinary skill in the art as the time of the invention to modify Okajima et al to include the use of multiple layers of fiber base material to construct his advantageous bicycle wheel as taught by Lew et al in order to achieve a rim having a weight that is comparable to an aluminum rim and is as strong as a steel rim as disclosed in the abstract.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Hitachi metals are cited to show a related wheel rim made of fiber fabric material.

Art Unit: 3617

Nakajima et al, Merlette, Daniels and Lewis are cited to show related rim made of carbon fiber material with inner and outer peripheral walls.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz F. Jules whose telephone number is (703) 272-6681. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph S. Morano can be reached on (703) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frantz F. Jules
Primary Examiner
Art Unit 3617

FFJ

October 27, 2005

FRANTZ F. JULES
PRIMARY EXAMINER



